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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,500	04/15/2004	Akihiro Ogasawara	01-619	6569

23400 7590 09/25/2006

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/824,500	OGASAWARA, AKIHIRO	
	Examiner	Art Unit	
	Vernal U. Brown	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25, 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communication filed on August 17, 2006.

Response to Amendment

The examiner has acknowledged the amendment of claims 1, 11, 13, 24, and 27.

Response to Arguments

Applicant's arguments filed August 17, 2006 have been fully considered but they are not persuasive.

Regarding applicant's argument regarding accessing personal information and the use of the personal information in the navigation of the vehicle, Treyz et al. teaches sending custom driving direction to the vehicle computer and this direction is used in navigating the vehicle (col. 86 lines 21-36).

Regarding applicant's argument regarding displaying during the prohibition state that the prohibition state is active, Murphy teaches displaying information, during the prohibition state, indicating that the prohibition state is active (col. 13 lines 63-66). The prohibition state is considered the state in which a given vehicle function is disable as defined by the applicant's disclosure (page 12 lines 24-25). The displaying of "VALET MODE" is not in the claims.

In response to applicant's argument that there is no suggestion to combine the references of Murphy and Treyz, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re*

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Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for combining the reference is to provide for the customization of the vehicle's accessories based the driver's profile or preferences.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy US patent 6232874 in view of Treyz et al. US Patent 6711474.

Regarding claims 1, 11, 13, 15, 24, and 25, Murphy teaches a commanding unit for generating a command of one of a permitting command for permitting a use of a given function of the in-vehicle device and an unpermitting command for unpermitting the use of the given function (vehicle accessories) based on the identification of the user (col. 5 lines 33-60). Murphy teaches a controller 179 for controlling the vehicle functions and an authentication unit for verifying the identity of the driver (col. 13 lines 30-45). Murphy teaches displaying information, during the prohibition state, indicating that the prohibition state is active (col. 13 lines 63-66).

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Murphy is however not explicit in teaching accessing the personal information stored in the storing unit and using this information for navigating the vehicle. Treyz et al. in an art related automobile personal computer system teaches controlling the access to a vehicle computer by the use of access code (col. 30 lines 27-45) and the user is permitted to enter personal information into the computer regarding the frequently traveled route (col. 60 lines 7-15). Treyz et al. also teaches sending custom driving direction to the vehicle computer and this direction is used in navigating the vehicle (col. 86 lines 21-36).

It would have been obvious to one of ordinary skill in the art to modify in-vehicle system of Murphy as disclosed by Treyz et al. because accessing the personal information stored in the storing unit and using this information for navigating the vehicle allows for the customization of the vehicle's accessories based the driver's preferences.

Regarding claims 2 and 17, Murphy teaches permitting the use of a given function after verifying the identity of a person and setting a function of the vehicle accessories (col. 5 lines 33-60) and further teaches a display for permitting browsing of the settings (col. 12 lines 9-14).

Regarding claims 3, 16, Murphy teaches an inputting unit for inputting individual information unique to a user (biometric information) of the vehicle (col. 4 lines 44-55); and a registry storing unit for storing registry information registered by the user (col. 16 lines 1-6), and wherein the authenticating unit successfully executes the authentication process when a given relationship between the individual information and the registry information is fulfilled (col. 5 lines 33-60).

Regarding claims 4 and 18, Murphy teaches storing the execution result in a memory (col. 12 lines 4-8) but is silent on teaching storing the execution result regardless whether the

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power supply to the in-vehicle device is stopped. Treyz et al. in an art related automobile personal computer system teaches the use of a non-volatile memory (col. 13 lines 46-47) for maintaining information even when the power is stopped.

It would have been obvious to one of ordinary skill in the art to store the execution result in the storage unit regardless of whether a power supplied to the in-vehicle device is stopped in Murphy because non-volatile memory retain its stored information when the power supply is stopped in order to enable the system to function properly when power is restored.

Regarding claims 5, 19, Murphy teaches the insertion of key in the vehicle initiate the generation of the command (col. 6 line 60-col. 7 line 17). The key is considered a spare key because it is an alternative means to access the vehicle.

Regarding claims 6, 8, and 20, Murphy teaches a map data storing unit for storing map data including position information relating to positions of facilities on a map defined by the permitted range of vehicle location coordinates (col. 12 lines 20-22, col. 14 lines 42-46); and a position detector for detecting a current position, wherein, when a current position detected by the position detector is a position of a given facility (col. 3 line 52-col. 4 lines 30), the commanding unit generates the unpermitting command for unpermitting of the use of the given function (col. 5 lines 35-38).

Regarding claims 7, 12, and 21, Murphy teaches the command to restrict the operation of the vehicle is determined after the user biometric is received and authenticated (col. 5 lines 33-60). The vehicle device is therefore powered without inserting the key.

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Regarding claims 9 and 14, Murphy teaches restricting the use of the vehicle accessories (unpermitting use of a function) and at the same time allow enable the vehicle to travel (col. 5 lines 33-57).

Regarding claims 10 and 22-23, Murphy teaches the vehicle includes a navigation device for detecting the position of the vehicle (col. 3 lines 51-60).

Regarding claim 27, Murphy teaches storing navigation information as to the area in which the vehicle is allowed to travel and permitting the user only to travel to and from work (col. 3 lines 44-50). By allowing the user to only travel to and from work suggests the system has personal information regarding the user including information identifying the home of the user in order to restrict the user's travel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vernal Brown
September 15, 2006


BRIAN ZIMMERMAN
PRIMARY EXAMINER